

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JUNE 10, 2014 – 7:00 P.M.

President Fraim called the meeting to order at 7p.m.

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams Mr. Winn, and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim recognized the 5th Grade Drill Team from Chesterfield Academy for being chosen to perform at the NBA Washington Wizard's Game, during pre-game activities, in Washington DC. The Drill Team is also being considered to perform again for half-time activities in 2015. Principal, Dr. Sandy Witcher and Mrs. Courtney Dziagwa, Heath and Physical Education Teacher, were present to support the team.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to receive nominations for the appointment of three **School Board** members.

The following nominations were heard:

- Melendez Byrd, 1508 Norway, nominated Dr. Leon Rouson.
- Rodney Jordan, 2506 Myrtle Avenue, nominated himself.
- Lana Pressley, 2833 Villa Circle, nominated herself.
- Shelia Jones, 2501 Kennon Avenue, Kacee Little, 716 Dudley Avenue and Shekenya Knight, 2811 Ballentine Boulevard, nominated Glen Jones.
- Daniel Montague, 4605 Krick Street, nominated himself.
- Councilman Riddick nominated Cheryl Bunch.

President Fraim noted two incumbents had indicated their wish to be reappointed and thereupon placed the following names in nomination: Noelle Gabriel, M.D., Edward Haywood, Francisco Coronel, Vickie Hawkins-Black, Linda Irwin-Devitis, Rickey Ross, Joe Dillard, Karl Massenberg, Abdul Aswad and Adrien Latta.

President Fraim moved to close the public hearing.

ACTION: Nominations closed and Public Hearing closed.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **DSF Development, LLC**, for a change of zoning from Conditional C-2 (Corridor Commercial) and R-6 (Single-Family) to Conditional R-8 (Single-Family) on properties located at **453-467 Brockwell Avenue** and **446-468 Frizzell Avenue**.

Robert Feinman, the applicant, 2617 All Saint's Court, Virginia Beach, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone properties located at **453 to 467 Brockwell Avenue** and **446 to 464 Frizzell Avenue** from Conditional C-2 (Corridor Commercial) and R-6 (Single-Family Residential) to conditional R-8 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

CONSENT AGENDA

C-1

Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the General Election on May 6, 2014, pursuant to **Section 24.2-675** of the ***Code of Virginia***.

ACTION: Received and Filed.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Gas Station** (sales only) known as ‘**Walmart**’ on property located at **7530 Tidewater Drive**,” was introduced in writing and read by its title.

Tom Kleine, 222 Central Park Avenue, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **Sam’s East Inc.**, authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Sam’s Club**’ on property located at **741 East Little Creek Road**,” was introduced in writing and read by its title.

Tom Kleine, 222 Central Park Avenue, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair facility** known as ‘**Sam’s Club**’ on property located at **741 East Little Creek Road**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Legrand Restaurant Company, LLC.**, authorizing the operation of an eating and drinking establishment known as ‘**Legrand**’ on property located at **4515 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Noddle Bar, Inc.** authorizing the operation of an eating and drinking establishment known as ‘**Noddle Bar**’ on property located at **411 Granby Street, Suite B**,” was introduced in writing and read by its title.

Michael Muhammad, 801 East 26th Street spoke concerning this matter, and commented on the recent police shootings and citizens with mental illness problems.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment establishment with no alcoholic beverages known as ‘**Arabian Nights Hookah Lounge**’ on property located at **9651 1st View Street, Suite D**,” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Aston Shelton Enterprises, LLC**, authorizing the operation of an entertainment establishment named ‘**Cure Coffeehouse & Brasserie**’ on property located at **503 Botetourt Street**,” was introduced in writing and read by its title.

Gene Aston, 4225 Burnham Drive, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Corner Spot, Inc.**, authorizing the operation of an entertainment establishment, not yet named, on property located at **2406 Colonial Avenue, Unit A**,” was introduced in writing and read by its title.

John Porter, 439 West 30th Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$27,000.00 from the **Hampton Roads Planning District Commission** and appropriating and authorizing the expenditure of \$27,000.00 for the construction of the **Lavalette Avenue Canoe/Kayak Launch and Fishing Dock**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation the donation of \$8,360.00 to the City from the **Hampton Roads Community Foundation** and appropriating and authorizing the expenditure of the funds to support library services and programs with a preference for the purchase of additional books, reading or educational materials at the **Pretlow Anchor Branch Library**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$37,104.00 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$37,104.00 for telecommunications and technology services for the **Norfolk Public Library**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$7,465.27 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$7,465.27 for telecommunications and technology services for the **Norfolk Public Library**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **100 Resilient Cities Initiative Grant Award** of not to exceed \$200,000.00 for each of two (2) years for total grant funding not to exceed \$400,000.00 from **Rockefeller Philanthropy Advisors, Inc.** to assist the City in building its capacity to maintain and recover critical functions despite natural and manmade shocks and stresses and appropriating and authorizing the expenditure of the grant funds for the **100 Resilient Cities Initiative Grant** purposes,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **139 Riverview, LLC**, \$22,678.58 plus interest based upon the overpayment of **Real Estate Taxes for the Tax Years 2013 and 2014**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-14

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Employment Guide, LLC**, \$11,283.23 plus interest based upon the overpayment of **Business License Tax for 2014**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-15

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Jerry’s Inc., Et Als**, \$3,281.17 plus interest based upon the overpayment of **Business License Tax for 2014**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-16

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Mid-Atlantic Maritime Academy, LLC**, \$7,050.37 plus interest based upon the overpayment of **Business License Tax for 2014**,” was introduced in writing and read by its title.

Dan Montague, 4605 Krick Street, stated that he paid his taxes on time; therefore he should not be charged by the City Treasurer a percentage for paying by credit card and commented on Senior Tax Relief program.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-17

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Personal Touch Homecare of Va, Inc.**, \$7,747.03 plus interest based upon the overpayment of **Business License Tax for 2014**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-18

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Seven Hills, Inc.**, \$5,012.56 plus interest based upon the overpayment of **Business Personal Property License Taxes for 2011 and 2012**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-19

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Tidewater Drive Storage Center, LLC**, \$3,030.20 plus interest based upon the overpayment of **Business License Taxes for 2011 through 2013**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving and adopting the **Fiscal Year 2015 Compensation Plan** for officers and employees of the City, amending and reordaining the **Norfolk City Code, 1979**, as amended, and approving criteria and procedures for pay supplements for certain Constitutional and State Officers and their employees,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-21

A Resolution entitled, “A Resolution **appointing** or **reappointing 15 persons** to **5 boards** and **2 commissions** for certain terms,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Harry Embrey, P.O. Box 8893, a retiree, spoke concerning retiree pay and the salary-cap that will not allow him to be included to receive the one-time bonus pay for retirees.
2. Danny Lee Ginn, 3844 Dare Circle, commented on good government.